

March 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE
STATE OF MONTANA
Supreme Court No. DA 10-0035

Randy J. Cox
Scott M. Stearns
BOONE KARLBERG P.C.
201 West Main, Suite 300
P.O. Box 9199
Missoula, MT 59807-9199
Phone: (406) 543-6646
Facsimile: (406) 549-6804
rcox@boonekarlberg.com
sstearns@boonekarlberg.com

Attorneys for Appellant

FILED

MAR 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

PATRICK CHEFF,

Plaintiff/Appellee,

v.

BNSF RAILWAY COMPANY, a
Corporation

Defendant/Appellant.

**MOTION FOR
EXTENSION OF TIME
TO FILE OPENING BRIEF**


COMES NOW, Appellant BNSF Railway Company, by and through its attorneys of record, and hereby moves the Court pursuant to Rule 26 of the Montana Rules of Appellate Procedure for a 30-day extension of time within

which to file Appellant's Opening Brief. The extension contemplated by this motion would move the date for filing the Appellant's Opening Brief from April 9, 2010 to May 7, 2010. Counsel for Appellant is making this request as lead counsel is traveling out of state, and will not be able to devote the necessary time to the brief.

Counsel for the Appellee Patrick Cheff has been contacted regarding this motion and objects.

DATED this 15th day of March, 2010.

BOONE KARLBERG P.C.

Handwritten signatures of Randy J. Cox and Scott M. Stearns, written in black ink over a horizontal line.

Randy J. Cox

Scott M. Stearns

Attorneys for Defendant/Appellant BNSF

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing *Defendant/Appellant BNSF's Motion for Extension of Time* with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing *Defendant/Appellant BNSF's Motion for Extension of Time* upon each attorney of record in the above-referenced action as follows:

Terry N. Trieweiler
TRIEWEILER LAW FIRM
231 First Street
P.O. Box 5509
Whitefish, MT 59937
Attorney for Plaintiff

James T. Towe
TOWE LAW FIRM
502 W. Spruce Street
P.O. Box 7826
Missoula, MT 59807
Attorney for Plaintiff

DATED this 15th day of March, 2010.

BOONE KARLBERG P.C.



Randy J. Cox
Scott M. Stearns
Attorneys for Defendant/Appellant BNSF